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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,216	08/14/2001	David Frederick Bantz	YOR920010526US1	2148

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EXAMINER

LEWIS, CHERYL RENE A

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,216

Applicant(s)

BANTZ ET AL.

Examiner

Cheryl Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-45 are presented for examination.

DRAWINGS

2. The applicants' drawings filed on August 14, 2001 have been approved by the drafts person.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8, 12-16, 18, 22-28, 32-40, 44, and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al. (Pat. No. 6,658,568 B1, filed October 26, 1999, hereinafter Ginter).
5. Regarding Claims 1, 22, and 34, Ginter teaches receiving a request from a user (col. 75, lines 42-56, col. 76, lines 1-33 and 65-67, col. 77, lines 1-35, col. 90, lines 36-67) for the service (col. 25, lines 33-46); identifying the rights to the service (col. 68, lines 27-67, col. 75, lines 42-56, col. 76, lines 1-33 and 65-67, col. 77, lines 1-35);

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retrieving content for the service (col. 90, lines 2-3 and 8-22); selectively modifying (col. 93, lines 36-51) the content based on the rights identified (col. 76, lines 7-13, col. 74, lines 19-58); and sending the content to the user (col. 90, lines 48-61).

6. Regarding Claims 2, 23, and 35, Ginter teaches the content is at least one of a document (col. 28, line 25, figure 11, element 304a 'a detailed report').

7. Regarding Claims 3, 24, and 36, Ginter teaches at least one of a music service (col. 23, lines 48-49, figure 6, element 130, col. 21, lines 38-39, figure 4, element 128, col. 55, lines 63-67).

8. Regarding Claims 4, 25, and 37, Ginter teaches the method is implemented in a service manifest (col. 24, lines 10-14, figure elements 300d 'clearinghouse services' and 200d 'financial clearinghouse services').

9. Regarding Claims 5, 26, and 38, Ginter teaches a subscription to the service has expired (col. 84, lines 32-39, col. 106, lines 63-67, col. 107, lines 1-11 and 23-26, col. 111, lines 57-67, col. 112, lines 1-6).

10. Regarding Claims 6, 27, and 39, Ginter teaches a level of service subscribed (col. 25, lines 25-59).

11. Regarding Claim 7, Ginter teaches attributes of the service selectively include at least one of quality of service (col. 111, lines 39-56).

12. Regarding Claims 8, 28, and 40, Ginter teaches receiving a request for a service from a user (col. 75, lines 42-56, col. 76, lines 1-33 and 65-67, col. 77, lines 1-35, col. 90, lines 36-67), determining whether a subscription to the service by the user has expired (col. 84, lines 32-39, col. 106, lines 63-67, col. 107, lines 1-11 and 23-26, col.

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111, lines 57-67, col. 112, lines 1-6); a determination that the subscription has expired (col. 84, lines 32-39, col. 106, lines 63-67, col. 107, lines 1-11 and 23-26, col. 111, lines 57-67, col. 112, lines 1-6), selectively modifying the content (col. 93, lines 36-51) to form a modified content (col. 76, lines 7-13, col. 74, lines 19-58); and returning the modified content to the user (col. 90, lines 48-61).

13. Regarding Claims 12, 32, and 44, Ginter teaches receiving a request from a user (col. 75, lines 42-56, col. 76, lines 1-33 and 65-67, col. 77, lines 1-35, col. 90, lines 36-67) for the subscription computing service (col. 66, lines 66-67, col. 67, lines 1-8); identifying rights to the subscription computing service based (col. 68, lines 27-67, col. 75, lines 42-56, col. 76, lines 1-33 and 65-67, col. 77, lines 1-35) on an identification of the user (col. 66, line 67, col. 67, line 1); and selectively modifying (col. 93, lines 36-51) the subscription computing service based on the rights identified (col. 76, lines 7-13, col. 74, lines 19-58).

14. Regarding Claims 13, 33, and 45, Ginter teaches the subscription computing service includes at least one of an application update service (col. 37, lines 55-67, col. 38, lines 1-20).

15. Regarding Claims 14 and 18, Ginter teaches a database of users and rights associated with the users (col. 72, lines 24-33); a service delivery unit (col. 18, lines 47-67, col. 20, lines 61-61-67, col. 21, lines 1-15), wherein the service delivery system retrieves content (col. 90, lines 2-3 and 8-22); and a service manifest selectively modifies the content based on a right to the content associated with a user requesting the content (col. 76, lines 7-13, col. 74, lines 19-58).

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16. Regarding Claim 15, Ginter teaches the service manifest includes a set of processing paths used to modify content (col. 93, lines 36-51), wherein each processing path within the set of processing paths modifies the content in a different manner (col. 93, lines 36-51).

17. Regarding Claim 16, the database is located in a fulfillment subsystem (col. 15, lines 58-60).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

19. Claims 9-11, 29-31, and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al. (Pat. No. 6,658,568 B1, filed October 26, 1999, hereinafter Ginter) as applied to claims 8, 28, and 40 above, and further in view of Knauft et al. (Pat. No. 6,654,754 B1, filed December 8, 1999, hereinafter Knauft).

20. Regarding Claims 9, 29, and 41, Ginter does not expressly teach a music file. Knauft teaches a music file (col. 8, lines 30-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the rights management method of Ginter with the digital rights management method of Knauft because Knauft's method enables a server to maintain a plurality of data objects (i.e., a music file or a multimedia file) that are protected by digital rights management (DRM) software, a server dynamically generates an electronic document that provides index information that is associated with one of the data objects, further a server determines whether a client is authorized to access a data object that is associated with a network request (Abstract, lines 1-17, col. 8, lines 23-34).

21. Regarding Claims 10, 30, and 42, Knauft teaches noise added to the music file (col. 8, lines 30-32).

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22. Regarding Claims 11, 31, and 43, Ginter teaches when the subscription expired (col. 84, lines 32-39, col. 106, lines 63-67, col. 107, lines 1-11 and 23-26, col. 111, lines 57-67, col. 112, lines 1-6).

Knauft teaches noise added to the music file (col. 8, lines 30-32).

23. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al. (Pat. No. 6,658,568 B1, filed October 26, 1999, hereinafter Ginter) as applied to claim 14 above, and further in view of Ebata et al. (Pat. No. 6,513,061 B1, filed October 6, 1998, hereinafter Ebata).

24. Regarding Claim 17, Ginter does not expressly teach a proxy server.

Ebata teaches a proxy server (Abstract, lines 1-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the secure transaction Internet method of Ginter with the proxy server method of Ebata because Ebata's proxy server provides Internet service to a client, plural proxy servers for standing proxy for an access to the server done by the client, a proxy server selecting server for noticing an IP corresponding to a domain name of the client in response to an inquiry with the domain name added thereon, the proxy server selecting server receives a request message with the domain name of the server for providing the target service from the client, then the proxy server selecting server notifies the client of the IP address of the most approximate server to the client in place of the IP address of the server based on the physical/logical location information.

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25. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al. (Pat. No. 6,658,568 B1, filed October 26, 1999, hereinafter Ginter) and Johnson et al. (Pat. No. 6,618,808 B1, filed August 10, 1999, hereinafter Johnson).

26. Regarding Claims 19-21, the limitations of these claims have been noted in the rejection above. In addition, Ginter does not expressly teach a bus system.

However, Johnson teaches a bus system (col. 4, lines 35-62); a communications unit connected to the bus system (col. 4, lines 35-62); and a memory connected to the bus system (col. 4, lines 35-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the electronic rights management method of Ginter with Johnson's electronic rights management method because Johnson's electronic rights management method enables an electronic rights management and authorization system to account for dynamic, multi-dimensional, and granular nature of rights, a data base structure divides work and rights into two related tables, a works table includes information sufficient to identify works managed by the system, while a rights table identifies a right associated with a work and includes one or more data fields delimiting the right (Abstract, lines 1-8).

CONCLUSION

27. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

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NAME OF CONTACT

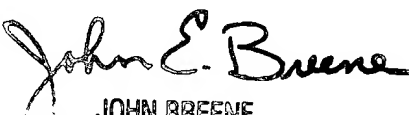
28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (703) 305-8750. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

(703) 746-5651 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Cheryl Lewis
Patent Examiner
December 22, 2003


JOHN BREENE
SUPERVISORY PATENT EXAMINER
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